

01111200PCT/PTC 1 2 FEB 2003

Express Mail No. FV 212850209 US
Docket No. NEX86/PCT-US

**IN THE UNITED STATES RECEIVING OFFICE
(RO/US)**

U.S. APPLICATION SERIAL NO.: 10/031,193
U.S. FILING DATE: JANUARY 31, 2002
INTERNATIONAL APPLICATION NO.: PCT/US00/02167
INTERNATIONAL FILING DATE: 28 JANUARY 2000
PRIORITY DATE CLAIMED: 29 JULY 1999
FOR: TENASCIN-C NUCLEIC ACID LIGANDS
APPLICANT: HICKE ET AL.

Assistant Commissioner for Patents
Washington, D.C. 20231
BOX: PCT
Attention: RO/US

Dear Sir:

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35
U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE
(DO/EO/US)**

In response to the Notification Of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US), which was mailed in the above-captioned application on February 5, 2003, Applicant hereby states that a Combined Oath and Declaration executed by each of the named inventors was submitted to the Commissioner of Patents and Trademarks on January 31, 2002, along with a check in the amount of \$170.00. A copy of the complete submission is attached which included the following documents (labeled as Exhibit A):

1. Transmittal Letter To The United States Designated/Elected Office Concerning A Filing Under 35 U.S.C. 371;
2. Combined Declaration and Power Of Attorney signed by Brian Hicke and Larry Gold;
3. Combined Declaration and Power of Attorney signed by Stephen Warren;
4. Combined Declaration and Power of Attorney signed by David Parma;
5. Copy of check in the amount of \$170.00; (surcharge of \$130.00 and fee for recording assignment \$40.00); and
6. Post Card Receipt and copy of Express Mail Label.

You will note that a Recordation Form Cover Sheet and Assignment were also included in this package as itemized on the Post Card Receipt. The undersigned is not enclosing copies of these documents in order to avoid having the Assignment recorded twice.

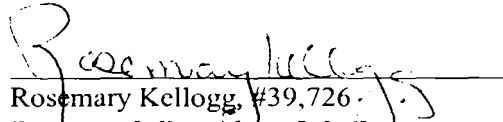
Also attached is a copy of the date-stamped Post Card Receipt (labeled as Exhibit B) showing receipt by the Patent Office on January 31, 2002. Applicant respectfully requests that the Patent Office acknowledge receipt of the documents forwarded on January 31, 2002.

In response to the request to comply with the sequence requirements of 37 CFR 1.821-1.825, the undersigned respectfully submits a paper copy of the sequence listing in compliance with the requirements of 37 CFR 1.822 and/or 1.832. Applicant respectfully requests that this sequence listing be entered into the application as a replacement for the sequence listing as originally filed. An electronic copy was submitted by EFS on February 11, 2003 as evidenced by the Acknowledgment Receipt enclosed herewith. I hereby state that the contents of the electronic copy and the paper copy are the same. 37 C.F.R. §1.821(f). The paper and electronic copies of the SEQUENCE LISTING include no new matter. 37 C.F.R. § 1.821(g).

Applicant believes that no additional documents are due at this time.

Respectfully submitted,

Date: February 12, 2003


Rosemary Kellogg, #39,726
Swanson & Bratschun, L.L.C.
1745 Shea Center Drive, Suite 330
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Telephone: (303) 268-0066
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cc: Dr. Thomas Brückner
Alex Andrus
Vanessa Appleby
John Harre

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FORM PTO-1190
(REV. 12-2001)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

NEX86/PCT-US

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/031,193

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371INTERNATIONAL APPLICATION NO.
PCT/US00/02167INTERNATIONAL FILING DATE
28 JANUARY 2000PRIORITY DATE CLAIMED
29 JULY 1999

TITLE OF INVENTION TENASCIN-C NUCLEIC ACID LIGANDS

APPLICANT(S) FOR DO/EO/US

HICKE, Brian; WARREN, Stephen; PARMA, David; GOLD, Larry

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
- a. ☐ is attached hereto (required only if not communicated by the International Bureau).
- b. ☐ has been communicated by the International Bureau.
- c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
- a. ☐ is attached hereto.
- b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
- a. ☐ are attached hereto (required only if not communicated by the International Bureau).
- b. ☐ have been communicated by the International Bureau.
- c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
- d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
POSTCARD RECEIPT

| | | |
|---|---|--|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/031,193 | INTERNATIONAL APPLICATION NO. PCT/US00/02167 | ATTORNEY'S DOCKET NUMBER NEX86/PCT-US |
|---|---|--|

| 21. <input type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO. \$1040.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$890.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT = | CALCULATIONS PTO USE ONLY | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|----------------------------------|--------------|--------------|------|----|--------------|--------|--|-----------|----|--------------------|-------|--|-----------|----|---|--|--|------------|----|--------------------------------------|--|--|--|----|----|
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | \$ 130.00 | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 20%;">CLAIMS</th> <th style="width: 20%;">NUMBER FILED</th> <th style="width: 20%;">NUMBER EXTRA</th> <th style="width: 20%;">RATE</th> <th style="width: 20%;">\$</th> </tr> <tr> <td>Total claims</td> <td>- 20 =</td> <td></td> <td>x \$18.00</td> <td>\$</td> </tr> <tr> <td>Independent claims</td> <td>- 3 =</td> <td></td> <td>x \$84.00</td> <td>\$</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$280.00</td> <td>\$</td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL OF ABOVE CALCULATIONS =</td> <td>\$</td> </tr> </table> | CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | \$ | Total claims | - 20 = | | x \$18.00 | \$ | Independent claims | - 3 = | | x \$84.00 | \$ | MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$280.00 | \$ | TOTAL OF ABOVE CALCULATIONS = | | | | \$ | \$ |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | \$ | | | | | | | | | | | | | | | | | | | | | | |
| Total claims | - 20 = | | x \$18.00 | \$ | | | | | | | | | | | | | | | | | | | | | | |
| Independent claims | - 3 = | | x \$84.00 | \$ | | | | | | | | | | | | | | | | | | | | | | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$280.00 | \$ | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | + | | | | | | | | | | | | | | | | | | | | | | | | | |
| SUBTOTAL = | \$ 130.00 | | | | | | | | | | | | | | | | | | | | | | | | | |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | \$ | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL NATIONAL FEE = | \$ 130.00 | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + | \$ 40.00 | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL FEES ENCLOSED = | \$ 170.00 | | | | | | | | | | | | | | | | | | | | | | | | | |
| <div style="border: 1px solid black; padding: 5px; float: right; width: 150px;"> Amount to be refunded: \$ </div> | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <div style="border: 1px solid black; padding: 5px; float: right; width: 150px;"> charged: \$ </div> | | | | | | | | | | | | | | | | | | | | | | | | | | |

a. ☒ A check in the amount of \$ 170.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
 A duplicate copy of this sheet is enclosed.

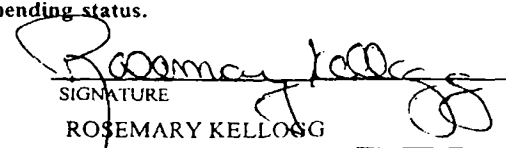
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
 overpayment to Deposit Account No. 19-5117. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card
 information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR
 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

ROSEMARY KELLOGG
 Customer No. 25,871
 SWANSON & BRATSCHUN, L.L.C.
 1745 Shea Center Drive, Suite 330
 Highlands Ranch, Colorado 80129
 UNITED STATES OF AMERICA

January 31, 2009

 SIGNATURE
 ROSEMARY KELLOGG
 NAME
 39,726
 REGISTRATION NUMBER

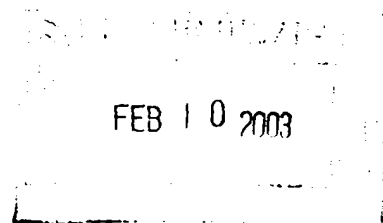


UNITED STATES PATENT AND TRADEMARK OFFICE

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 Washington, D.C. 20231
 www.uspto.gov

| | | |
|----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/031,193 | Brian Hicke | NEX86/PCT-US |

 25871
 SWANSON & BRATSCHUN L.L.C.
 1745 SHEA CENTER DRIVE
 SUITE 330
 HIGHLANDS RANCH, CO 80129


| | |
|------------------------------|---------------|
| INTERNATIONAL APPLICATION NO | |
| PCT/US00/02167 | |
| 1A. FILING DATE | PRIORITY DATE |
| 01/28/2000 | |

 CONFIRMATION NO. 6209
 371 FORMALITIES LETTER


OC00000009475324

Date Mailed: 02/05/2003

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Assignee Statement
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
 - APPLICANT MUST PROVIDE:
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 305-3752

PART 2 - OFFICE COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/031,193 | PCT/US00/02167 | NEX86/PCT-US |